

DEPARTMENTAL REGULATION		Number: 1042-134
SUBJECT: Fixed Anchors in Wilderness Negotiated Rulemaking Advisory Committee	DATE: November 26, 1999	
	OPI: Forest Service	

1 PURPOSE

a This regulation establishes the Fixed Anchors in Wilderness Negotiated Rulemaking Advisory Committee (Committee) to advise the Secretary of Agriculture on the content of a proposed rule regarding the placement, use, and removal of fixed anchors for rock climbing in congressionally designated wilderness areas administered by the Forest Service. In accordance with the Wilderness Act of 1964 (16 U.S.C. 1131 et seq.), the Forest Service has the duty to administer wilderness areas under its jurisdiction "for the use and enjoyment of the American people in such a manner as will leave them unimpaired for future use and enjoyment." The Committee is a forum for affected and interested parties to attempt, via face-to-face negotiation, to reach consensus on the use of fixed-anchors in wilderness areas.

b This Committee functions in the public interest in connection with the duties and responsibilities of the U.S. Department of Agriculture (USDA) in accordance with the Wilderness Act of 1964, the Negotiated Rulemaking Act of 1990 (5 U.S.C. Sec. 561 et seq.), and the Federal Advisory Committee Act (FACA) (5 U.S.C. App.).

2 SPECIAL INSTRUCTIONS

a This regulation will expire 2 years from the date of filing in accordance with Departmental Regulations, unless renewed.

b The Committee may be terminated earlier by the Secretary upon the promulgation of a regulation pertaining to the placement, use, and removal of fixed anchors in wilderness areas; the recommendation of the Committee that no regulation is necessary; the inability of the Committee to reach a consensus on a rulemaking document; or any other such time as the Secretary deems appropriate.

3 OFFICERS AND MEMBERSHIP

a The Committee will consist of not more than twenty-five (25) persons and a neutral facilitator selected by the Secretary. Membership of the Committee will be composed of a Forest Service representative and of representatives of interests substantially affected by, particularly interested in, or having expertise in wilderness area management, Native American sacred sites, and rock climbing. Those interests include climbers, outfitters, guides, education or experience providers, environmental organizations, conservation interests, and tribal members.

b The Secretary will appoint the members of the Committee.

c The neutral facilitator will chair the meetings, assist committee members in conducting discussions and negotiations, and manage the keeping of minutes and records as required by FACA. The facilitator will also help participants define and reach consensus, determine the feasibility of negotiating particular issues, and offer alternative suggestions, if appropriate, toward reaching consensus.

d Equal opportunity practices consistent with USDA policies will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by the USDA, membership should include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

4 DUTIES

a The Committee is authorized to engaged in negotiated rulemaking and render advice or recommendations to the Secretary of Agriculture on the content of a proposed rule on the placement, use, and removal of fixed anchors in wilderness areas.

b The Committee may establish working groups or subcommittees to assist in its activities. These working groups or subcommittees may include representatives of nongovernmental organizations or individuals that have an interest in the management of rock climbing in wilderness areas. All subcommittees will report to the full Committee and will not render advice or recommendations directly to the Secretary of Agriculture.

5 ESTIMATED ANNUAL OPERATING COSTS

a Members serve without pay, but with reimbursement of travel and per diem expenses for attendance at Committee, subcommittee, or working group meetings called by the Committee chairperson.

b Annual operating costs are estimated to be \$90,000 and three (3) staff years of support.

6 NUMBER AND FREQUENCY OF MEETINGS

The Committee will meet as often as necessary to complete its business.

7 REPORTS/SUPPORT

a The Committee reports to the Secretary of Agriculture through the Recreation, Heritage, and Wilderness Staff of the National Forest System Deputy Area in the Forest Service and the Under Secretary of Natural Resources and Environment.

b Financial and administrative support for the Committee will be provided by the Forest Service for the life of this charter.

-END-